IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 13TH JULY 2007 / 22ND ASHADHA 1929

Bail Appl..No. 4285 of 2007()

AGAINST THE ORDER IN CMP 3020 2007 IN RC.29(S)/2006 of CHIEF JUDL.MAGISTRATE, ERNAKULAM

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PETITIONERS/ACCUSED 4 & 5

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1. TOMY MATHEW,
   MADAPALLYMATTOM HOUSE, MOOZHOOR P.O.,
   KOTTAYAM DISTRICT.

2. BABU CHERIYAN,
   VADAKKEL HOUSE, MUTTOM P.O., THODUPUZHA.

BY ADV. SRI.SHAJI THOMAS PORKKATTIL
SRI.BINU PAUL

RESPONDENTS: COMPLAINANT

CENTRAL BUREAU OF INVESTIGATION (CBI),
REPRESENTED BY SUPERINTENDENT OF POLICE,
KATHRIKADAVU, KOCHI-17.

BY SRI.P.PARAMESWARAN NAIR,ASST.SOLICITOR FOR CBI

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 13/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.No. 4285 of 2007

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Dated this the 13th day of July, 2007

O R D E R

Application for regular bail. The petitioners are accused 4 and 5. They face allegations, inter alia, under Section 420 I.P.C. Altogether there are five accused persons. On the complaint of the first accused that the investigation by the local police is not conducting properly, the C.B.I. has taken over the investigation as directed by this Court. The story does appear to be the same. The petitioners were arrested on 27.2007. What is the precise allegations against accused 4 and 5? To this pointed question, I must say, satisfactory explanation is not forthcoming from the counsel. It is submitted that the 4th accused had impersonated himself to be the first accused and had availed a loan from a bank. What then is the allegation against the 2nd accused? It is said that in respect of the same loan before the same bank, the second accused had also impersonated himself to be the first accused. So much about the 4th accused. What is the allegation against the 5th accused? It is submitted that he had forged a letter before the Embassy, the details of which are not forthcoming.

2. Notwithstanding the opposition by the learned Prosecutor, I am satisfied that this is a fit case where this Court will not be justified in authorising further detention of the petitioners in custody. Subject to appropriate conditions, the petitioners can be released on bail now.

3. In the result:

1) This application is allowed.

2) The petitioners shall be released on bail on the following terms and conditions.

(a) The petitioners shall execute bonds for Rs.50,000/- (Rupees fifty thousand only) each with two solvent sureties each for the like sum to be satisfaction of the learned Magistrate.

(b) The petitioners shall make themselves available for interrogation before the Investigating Officer between 10 a.m. and 12 noon on all Mondays for a period of two months and thereafter as and when directed by the Investigating Officer in writing to do so.

(R. BASANT)
Judge

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